

**TOWN OF BEDFORD
TOWN COUNCIL MEETING MINUTES
August 15, 2018
BEDFORD MEETING ROOM
10 MEETINGHOUSE ROAD**

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, August 15, 2018 at the Bedford Meeting Room, 10 Meetinghouse Rd. Present were Bill Duschatko (Chairman), Melissa Stevens (Vice Chair) and Councilors Phil Greazzo, Dave Gilbert, Kelleigh Murphy, Chris Bandazian, and Catherine Rombeau. Also present was Town Manager Rick Sawyer.

Chairman Duschatko opened the meeting at 7:00pm.

2. PLEDGE OF ALLEGIANCE – Led by Councilor Gilbert.

3. PUBLIC COMMENTS – None.

4. Meeting update with Theresa Young, Finance Director

Theresa Young, Finance Director explained and gave updates on the Finance Department objectives and major service areas:

- **Financial Planning** – Facilitates financial planning, manages short-term and long-term debt, coordinates financing Town projects, provides management with current information concerning economic conditions and potential fiscal impact
- **Accounting** – Maintains financial systems: General Ledger, A/R, A/P, Fixed Assets; Coordinates financial statement audit, preparation of annual financial statements, monthly/quarterly reports, CIP documentation, CAFR
- **Personnel** – Payroll, union contract administration, benefits administration
- **Budget** – Assisting Town Manager with annual budget including coordination and monitoring of the operating and capital budgets
- **Risk Management** – Coordinates the risk management function including the procurement of insurance, reports and monitors claims for property loss, liability, worker's compensation and unemployment compensation
- **Purchasing/Contracts** – Responsible for monitoring the acquisition and/or facilitation of all materials and services to ensure compliance with Town policies and procedures
- **Billing** – Responsible for the accurate and timely billing of the Town's services
- **Welfare** – Responsible for the administration and processing of all applications for general assistance under the Town's program guidelines and in compliance with applicable State statutes

5. PUBLIC HEARING

a. The acceptance of gift from Mini of Bedford

MOTION by Councilor Murphy to open the public hearing. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.

Mr. Sawyer explained that the Council tabled this at their last meeting so they could get further correspondence from Mini Cooper certifying that the Town would not incur any costs with this. The Town received that correspondence saying that they would provide a check for all of the costs for the one-year lease at the time of signing the lease. The Town does not have the check in hand and no lease has been signed, but he believes the proposed motion would give the Town the protection they would need to insure that they don't enter into any lease without money in hand. He explained that this is a gift from Mini of Bedford for use by the Police Department. It won't be a police cruiser, but it will be used in community policing, by the School Resource Officer, and community events. It will help attract people to come and communicate with police officers.

MOTION by Councilor Murphy that the Bedford Town Council accept a donation of one (1) MINI Cooper automobile from MINI of Bedford for official use by the Bedford Police Department for one (1) year provided that full payment for the lease is provided at the time of lease execution. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 7-0.

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

6. NEW BUSINESS

a. Acceptance of a gift from the Bedford Basketball League

Mr. Sawyer explained that it is a gift from the Bedford Basketball League. The two benches would be located at the Earl Legacy Basketball Court.

MOTION by Councilor Murphy that the Bedford Town Council accept the donation from Bedford Basketball League for two team benches to be installed at the Earl Legacy Basketball Court. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.

b. Presentation of the 2017 Comprehensive Annual Financial Report

Ms. Young explained that motor vehicles were up even past what they budgeted. She explained the use of the end of the remaining appropriations last year and commented that the year-end Fund Balance was healthy. She explained the increase in the Sewer Fund's pension liability and how the method changed due to the inclusion of liabilities associated with prior employees. She mentioned that they are going out to bid this year after they get the draft Management Report back to the auditors for both actuary and auditing. She explained Fund Balance and Overlay.

Councilor Bandazian appreciated the credit Ms. Young gave the Town Council for the financial outcomes, but thought it was really with her guidance and the work from the Department Heads in coming up with accurate projections dealing with the budget and also her staff and those who support the Department Heads.

Ms. Young mentioned the nice job that Tammy and Matt did on the financial statements.

Chairman Duschatko wanted to know for the Sewer Fund pension calculation, how one person could generate \$400k of liability. Ms. Young stated life expectancy. It depends on the number of people that were being allocated to that fund. In the past it was based on just payroll for that year and that would be just one person. The only age that they were considering was the person in there who doesn't participate in the retirement system, so when they pick up all of the expenses of everybody else and the person that did retire, the liability is for that lifespan and those actuarial numbers, it is \$400k.

Ms. Young explained some of the items in the Draft Management Report:

Status of Prior Year Recommendations

- Develop a more formal risk assessment process
 - o Didn't get it done, but no real issues except for time and attendance

Expand the Account Structure

- Getting more information in the system
 - o It's done

Improve Fund Balance Policy

- Improve by adding language about the encumbrance process
 - o The Town has a great encumbrance process. They are doing it, it's just not there, so maybe add that in as a note to the Fund Balance Policy.

Regularly Update the Town's Landfill Liability

- Perform a complete analysis of its year-end liability of post-closure landfill costs
 - o She agrees and will revisit that with Jeff Foote.

c. Request from Camp Foster for building permits issued on a Class VI Road

Mr. Sawyer explained that if someone wants to obtain building permits on a Class VI road it requires the Town Council to authorize the issuance of those permits. The Planning Board granted site plan approval for the redevelopment of the Boys and Girls camp at Camp Foster. The requirement of the applicant is to record a document that limits all liability on behalf of the Town.

Councilor Rombeau wanted a summary of the discussion at the Planning Board about the conditions to improve the intersection. Becky Hebert, Planning Director, explained that when staff reviewed the site plan for the Camp Foster improvements, Camp Road came up as a discussion item, because is it one the of the Town's only Class VI roads. Police, Fire and DPW were concerned about the condition of the road. The Town does not take on any responsibility for maintenance of the road; the landowners on the road collectively maintain it. At Planning Board there was a long discussion about the

condition of the road and what could be done to improve it. Camp Foster has agreed to work with the other landowners and have developed an MOU that calls for regular maintenance and regrading of the road and applications of a calcium chloride for dust control. The last item was the alignment of Camp Road and Back River Road, which is aligned in a 'V' and they like intersections to be lined perpendicular to the main intersecting roadway. Ideally, Camp Road would be aligned perpendicular to Back River Road. When the Global Premier Soccer fields were approved there were some improvements that were required as part of that site plan and building permit issuance. That plan was implemented, but didn't do enough to fix the issue. It was determined that to truly fix the problem it would involve taking land from the adjacent property owners. The Camp Road right-of-way isn't wide enough to accommodate the fix that everyone would like to see. The Board approved the plan with recommendations that the applicant work with staff to come with some minor improvements that may help improve the situation and direct traffic to better utilize the intersection and not cut the corner. Improvements recommended: install painted stop bar, install Camp Road street sign, provide double yellow line to guide traffic to stay in their lane, provide advanced intersection warning signs in both directions on Back River Road. There is also a gap in the white line that runs along the center of Back River Road that is typically aligned with the intersection and this gap falls before the intersection, so it's encouraging people to take the turn a little bit sooner than it should. Part of the improvements would be to correct that and to restripe Back River Road with the gap in the appropriate place.

Councilor Rombeau wanted to know if the current work on Back River Rd for the water main would impact that or would this work be after that. Mr. Sawyer stated that other than the double yellow line, all of the other work could be done. They will make sure the contractor restripes Back River Road using this plan when they complete that work.

Councilor Greazzo wanted to know the reaction of the landowner of the property whose land they would need to take. Mr. Sawyer didn't think that anybody had approached the landowner yet. It would be a significant taking further down the road. At the Planning Board meeting, Camp Foster made it clear that it was beyond their scope or ability to make that level of improvement. It needs to be more of a collective approach at some time in the future. Councilor Greazzo wanted to know if that was part of the plan and the answer was no. Mr. Sawyer stated that they are working within the existing paved area. Councilor Greazzo thought it was all valid, he just wanted it to be clear that it was the same as what they were looking at; that it was a separate issue. Ms. Hebert stated that the realignment was a separate issue and it would involve taking the private property and was out of the scope of the project. Brian Pratt of CLD/Fuss & O'Neil stated that it would have been a significant improvement, and the construction costs of that would be significant. They agreed to do the minor improvements.

Councilor Stevens mentioned the streets signs and wanted to know if the Camp was solely responsibility for putting them up or does the Town have something to do with the design and placement of the signs. Mr. Pratt stated that the signs have been designed to meet the MUTCD standards. The Camp is paying for them and they are coordinating with the other landowners to try and get them to split the costs of the installation. It's all

privately funded. Ms. Hebert explained that the Town was not paying for the sign, but the sign would be placed in the public right-of-way for Back River Road as a safety improvement for the project in the location approved by Planning and Public Works. The design was approved by Planning.

MOTION by Councilor Gilbert that the Bedford Town Council authorize the issuance of all building permits necessary for Boys and Girls Club to complete the proposed improvements to Camp Foster as approved by the Planning Board on July 16, 2018, and approve the associated improvements to Camp Road (Class VI) with the understanding that the Town does not assume responsibility for maintenance nor liability for any damages resulting from the use of Camp Road and authorize the Town Manager to sign any necessary documentation to be recorded with the following condition:

- 1) Boys and Girls Club shall record a notice of limits of municipal responsibility and liability as outlined in RSA 674:41 and as approved by the Town Attorney.**

Seconded by Councilor Bandazian.

Chairman Duschatko wanted to know if they should be more specific when it says Boys and Girls Club. The legal name is the Boys and Girls Club of Manchester.

Councilor Gilbert amended his motion to include '**Boys and Girls Club of Manchester**'.

MOTION by Councilor Gilbert that the Bedford Town Council authorize the issuance of all building permits necessary for Boys and Girls Club of Manchester to complete the proposed improvements to Camp Foster as approved by the Planning Board on July 16, 2018, and approve the associated improvements to Camp Road (Class VI) with the understanding that the Town does not assume responsibility for maintenance nor liability for any damages resulting from the use of Camp Road and authorize the Town Manager to sign any necessary documentation to be recorded with the following condition:

- 2) Boys and Girls Club of Manchester shall record a notice of limits of municipal responsibility and liability as outlined in RSA 674:41 and as approved by the Town Attorney.**

Councilor Bandazian accepted that amendment.

Vote taken – Motion Passed – 6-0-1 (Murphy abstained as she is a potential lessee of the property).

- d. Approval of an application for Certified Local Government Status with the State of NH Division of Historical Resources**

Ms. Hebert explained that the Historic District Commission would like to apply to become a Certified Local Government and explained that it is a designation that is offered by the NH Division of Historical Resources. It would make the Town eligible for CLG (Certified Local Government) grant funds. The certification process looks at the Town to verify that it does have a historic district, a Historic District Commission, and properly administer the ordinances and promote historic preservation when it's appropriate. The CLG grant funds can be used anywhere in Town to study historic resources. The NH Division of Historical Resources needs to set aside a portion of their budget from the Federal government for the CLG grants. The designation would make Bedford eligible to apply for the grant funds. She described from her staff report what type of projects the grant funds could be used for. The Historic District Commission reviewed the project and the CLG application at their May meeting and voted to proceed with the application. In order to submit the application, they need the Town Council's authorization or approval.

MOTION by Councilor Rombeau that the Bedford Town Council authorize Planning staff to submit the application to become a New Hampshire Certified Local Government (CLG). Seconded by Councilor Murphy. Vote taken – Motion Passed – 7-0.

e. Proposed name change of Riley Field Complex to Bedford Recreation Area

Mr. Sawyer explained that the Parks & Rec Commission reviewed this and is making the recommendation, which is the Bedford Recreational Area. He was concerned with 'Area' being the right word and is recommending Bedford Recreational Complex. His background is when you hear the word 'Area', it typically means conservation area or a more passive park location. The complex area includes playground, sledding hill, pool complex, tennis courts and Sportsman Field, Riley Field, and Selvoski Field. They are making this recommendation so it could be used as a better identifying name for placement on various maps and hopefully websites, Facebook posts, etc.

Councilor Gilbert clarified that they are not changing the name of Riley Field, Sportsman Field or Selvoski. It's the whole complex. They should have used the word 'Complex' when they brought it forward.

MOTION by Councilor Gilbert that the Bedford Town Council rename the (Nashua/County Road) Complex to be known as the Bedford Recreational Complex. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.

f. Other New Business – None.

7. OLD BUSINESS

a. Schedule a public hearing to consider Ordinance 2018-05 amending Chapter 262-1, Parking Prohibited, to remove the prohibition of parking on an area of Twin Brook Lane

Chairman Duschatko explained that this was tabled in order to have the Highway Safety Committee revisit the site.

Mr. Sawyer explained that the Highway Safety Committee reviewed it on July 24th. They fully reviewed the ordinance and believed that the ordinance was still appropriate. Town staff felt that the appropriate signage was out there in order to enforce the ordinance. The staff recommends that the Town Council not schedule a public hearing.

Chief Bryfonski gave background on how this initially came to the Highway Safety Committee and how the Highway Safety Committee came to their recommendation for the ordinance. At the request of the Town Council the Highway Safety Committee reviewed it again and the Committee maintained their initial recommendation. Chief Bryfonski thought the DPW did a nice job in moving the 'no outlet' sign replacing it with a 'no parking' sign.

Councilor Bandazian mentioned attending State DOT meetings to talk about the bridge that goes under Route 101 near Twin Brook Lane and how residents came out and talked about how they were fearful of cars parking on Twin Brook Lane and making left turns onto Route 101. He was surprised that some residents are not warm to the issue, but he was persuaded by the need for it listening to the abutters and other information.

Councilor Rombeau questioned having a hearing versus a decision on the signs. She mentioned the possible benefit of having a hearing so people could come out and speak. Mr. Bryfonski stated that there was ample email traffic between the town manager and a couple of the residents including the president of the HOA. There was also email traffic between the secretary for the Highway Safety Committee and the citizens regarding the time and the date of the Highway Safety Committee meeting. He pointed out that there was no one at the Highway Safety Committee meeting to protest nor was there anyone at the prior meeting, and there was no one there tonight. Now that they are aware of the liability of allowing people to park on the bridge, if they make a change to make it easier to park on the bridge and then there is a tragedy, it's all in the manner of public realm and public information. Mr. Sawyer mentioned that in his follow-up conversations with the president of the Homeowner's Association, they confused AM with PM. Their last and final request was to change the two signs that say 'No parking next 300 feet' to the 'P' with the line through them. The staff believes that the signs accurately reflect the ordinance with the least number of signs possible and recommend it staying the way it is.

MOTION by Councilor Stevens that the Bedford Town Council end discussion and not schedule a public hearing on Ordinance 2018-05. Seconded by Councilor Murphy. Vote taken – Motion Passed – 7-0.

b. Outside Water Use Restriction/drought update

Chairman Duschatko mentioned that this was no longer something that they needed to be concerned with.

Mr. Sawyer mentioned that it was on the agenda because it was tabled, but there is no action for the Council to take.

Councilor Bandazian mentioned that the US Geological Service maintains groundwater monitoring wells and they are still at 2016 levels. He pointed out that just because it's raining doesn't mean that you can use bad practices without affecting the neighbors. Mr. Sawyer mentioned that they've had a lot of flash flood rains, but they need steady rains to rebuild groundwater.

c. PFC Update

Mr. Sawyer mentioned the detours on Back River Road with the construction. Also, the State has hired Stephen Roberts, a doctor from Florida, to review the toxicology studies and will have his recommendation back to the state within the next several months on potential setting of State minimal risk levels.

Councilor Bandazian wanted to know if any homes had been connected and Mr. Sawyer responded not yet, possibly this week. Councilor Bandazian wanted to know if residents who don't need to opt in and taking advantage of the opportunity. Mr. Sawyer didn't have an answer, but they were all being contacted.

Chairman Duschatko stated that he saw in the paper that the Merrimack Valley Water District had applied for some grants to help in their cleanup and maintenance problems with the two wells that are offline.

d. Town Council Retreat Updates

Chairman Duschatko stated that he had been talking about electronic documentation with Lori Radke. She has done a fantastic job of getting information out including some preliminary pricing, which is a lot less than they anticipated. The next process is to produce an RFP. She will be talking to Department Heads in the next couple of weeks. They want to make it part of the budget planning process.

e. Other Old Business – None.

8. APPROVAL OF MINUTES

a. Public Session – July 18, 2018

Chairman Duschatko mentioned that the minutes were not posted on Sharepoint, so he would like to postpone review and acceptance so they have a chance to read them.

b. Special Meeting Public Session – August 6, 2018

MOTION by Councilor Bandazian that the Bedford Town Council approve the minutes of the August 6, 2018 Special Meeting Public Session. Seconded by Councilor Murphy. Vote taken – Motion Passed –6-0-1 (Councilor Stevens abstained as she was not present).

c. Non-Public Session – August 6, 2018

MOTION by Councilor Murphy that the Bedford Town Council approve the minutes of the August 6, 2018 Non- Public Session. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.

9. TOWN MANAGER REPORT

- 1) The high school parking lottery happened today, so students should be notified whether they received a parking permit for the high school campus fairly soon. In order to get a Town parking pass, students need to apply at the high school first and then the high school gives the Town a list of the students names who did not get a school parking permit. Those students have the first chance at the Town spaces. Town parking permits can be picked up starting on Monday morning at 8:00 AM. He thought that the Town permits might sell out sooner than last year. Students need a valid NH driver's license.
- 2) The Public Works administrative offices have moved from the Town Office to the Safety Complex, 55 Constitution Drive on the 2nd floor across from the Building Dept.
- 3) The last day to register to vote or make name or address changes prior to the September 11th State primary is Tuesday, September 4th. The Supervisors of the Checklist will have extended hours on the 4th from 7:00 PM to 8:00 PM.
- 4) The Master Plan has been branded 'Blueprint Bedford – preserve the past, envision the future'. The web address for that is blueprintbedford.com. The kick-off meeting is on September 13th at the Manchester Country Club. The doors open at 6:30 PM and the program starts at 7:00 PM. He thanked the Country Club for donating the room. The Facebook page is live and the Twitter page will be live shortly.
- 5) West Nile Virus has been detected in Manchester. More information is available the NH DHHS website at: <https://www.dhhs.nh.gov/media/pr/2018/07252018-wnv.htm>
- 6) A Cyanobacteria warning has been issued for Sebbins Pond again this year. More information can be found at: <https://www.des.nh.gov/media/pr/2018/20180720-cyanobacteria-stebbins-pond.htm>
- 7) 2018 Roads Program – A map showing all of the current and upcoming road projects was shown. Those projects include Route 101 from 114 to Wallace Road (State), 114 (State), South River Road from Target/Lowes to the Merrimack line (State), Sebbins Pond area gas line installations, Back River Road from County Road, closure on North Amherst Road at the Amherst line for bridge replacement in Amherst, Pulpit Road and the Bedford Three Corners with replacement of several culvert crossings, Cider Mill Road Bridge project starting August 27th, Gage Road

project by the end of the year. Please continue to watch the Roads Program website for timely updates at www.bedfordroads.com

- 8) August 19th – Friends of Aine Try-atholon, 8–Noon, Bedford Recreational Complex
- 9) August 23rd – Bedford Rotary Trail Race, 6:30 PM
- 10) September 3rd – Town Office & Library closed in honor of Labor Day.
- 11) September 3rd – Last day for the Town Pool, Noon-5 PM.
- 12) September 22nd – Olde Towne Day & Music Fest, 11 AM – 3 PM.

10. COUNCILOR COMMENTS AND COMMITTEE UPDATES

Councilor Rombeau mentioned the Fire Department promotion/pinning ceremony that she attended.

Councilor Stevens reminded people that school starts on Tuesday, August 28th and to be mindful of the kids going to and from school.

Councilor Murphy mentioned that she and Councilor Bandazian had attended a meeting for the Master Plan think tank kick-off committee.

Chairman Duschatko mentioned that he was at the pinning ceremony for the Fire Department. They've done a great job of promoting from within.

Councilor Murphy mentioned that she attended the Police Department swearing in.

11. NON-PUBLIC – RSA 91-A:3 II (e) & (I)

MOTION by Councilor Murphy to go into Non-Public Session under RSA 91-A:3 II (e) – Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against or by this board or any subdivision thereof, or against any member thereof because of his or her membership therein, until the claim or litigation has been fully adjudicated or otherwise settled and also under RSA 91-A:3 II (I) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. Seconded by Councilor Bandazian.

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

The public meeting ended at 8:22 PM.

Respectfully submitted,

Dawn Boufford